

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KAREY ROSE,

Petitioner,

Case No. 2:17-cv-10836

Hon. Paul D. Borman

v.

CATHERINE BAUMAN,

Respondent.

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**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION  
FOR APPOINTMENT OF COUNSEL [Dkt. 3]**

On March 16, 2017, Petitioner Karey Rose, a state inmate, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Pending before the Court is Petitioner's motion to appoint counsel. For the reasons set forth below, the Court will deny the motion without prejudice.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the

court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In this case, the Court has yet to receive a response from Respondent to the petition. The Court therefore finds that it is premature to determine whether justice requires appointment of counsel. The Court will reconsider this request on its own motion when it reviews the answer and state court record.

Accordingly, **IT IS ORDERED** that Petitioner’s motion for appointment of counsel is **DENIED WITHOUT PREJUDICE**.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: June 1, 2017

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 1, 2017.

s/Deborah Tofil  
Case Manager